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## **Editorial: 8-judge court helps no one**

Whatever they may be saying now, the Republican establishment really doesn't want an extended period to elapse with an eight-judge Supreme Court.

If they really thought about it, they'd realize how foolhardy such a state of affairs would be for them and everyone else in the country.

After the shocking news Feb. 6 of the death of leading conservative Associate Justice Antonin Scalia, Republican Senate Majority Leader Mitch McConnell, R-Kentucky, immediately released a statement saying President Obama should refrain from nominating a replacement until his successor is sworn in. The rest of the Republican establishment, and most of the GOP presidential nominees, quickly fell in line and parroted this sentiment.

We're sure it seemed like the right thing to do at the time, but they couldn't have thought this through all the way before jumping on this particular bandwagon.

There is a reason there are an odd number of justices on the court. In a divided bench, such as there is now, 4-4 ties are not only possible, but

probable. Think of how many major decisions the court has ruled on in the past few years where the vote of just one judge swung the 5-4 decision.

Mix four conservatives and four liberals with the full docket of controversial cases before the court — from the meaning of one person, one vote (*Evenwel v. Abbott*) to abortion rights (*Whole Woman's Health v. Cole*) — and you've got the potential for several split decisions the longer this drags on.

When there is such a split decision, the court effectively upholds the lower court's ruling. What's different, though, is that this decision will only apply to the jurisdiction the lower court covers. It would not apply to the rest of the country.

This leaves the court in a holding pattern until someone else can be approved by the Senate to fill the vacant slot. It will mean our government will be even less effectual than it already is, and during a year when conservatives might have seen major victories for their pet causes.

McConnell and his colleagues have the legal right to hold up this process. They might just want to reconsider for their own sakes.